

REMARKS

Claims 1-21 are pending in this application. Claims 1-21 stand rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Claims 1-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0072671 (Chenal) in view of U.S. Patent Application Publication 2004/0037455 (Klingensmith). Applicants respectfully traverse this rejection for at least the reasons set forth hereafter.

Each of claims 1, 13 and 17, as amended, variously recite identifying transition points based on a transition smoothness. As admitted on page 3 of the outstanding Final Office Action, Chenal fails to describe identifying transition points based on a transition smoothness. Klingensmith also fails to describe identifying transition points based on a transition smoothness.

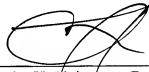
In contrast to identifying transition points based on a transition smoothness, Klingensmith describes smoothing an approximated border after control, or transition, points have been extrapolated into a second image from a first image. The control points are not extrapolated into the second image based on a transition smoothness. For example, nowhere does Klingensmith describe using a smoothness of transitions between the control points to adjust the control points within the second image. Rather, the control points are extrapolated from the first image into the second image “using Cartesian coordinates” (see paragraph [0031]), and are never thereafter adjusted. The border curvature or smoothness is only later used to “ensure that the border...does not include any sharp transitions (e.g., corners, etc.)”. (Paragraph [0012] of Klingensmith). Smoothing a border contour is known. However, there is simply no description within Klingensmith of identifying transition points based on transition smoothness. Rather, the control points of the border of Klingensmith are identified within a second image using Cartesian coordinates. For at least the reasons set forth above, Klingensmith does not make up for the deficiencies of Chenal.

Because Chenal and Klingensmith individually fail to describe one or more elements of each of independent claims 1, 13, and 17, it follows that a combination of Chenal and Klingensmith cannot describe or suggest such element(s). Accordingly, Applicants submit that independent claims 1, 13 and 17 are allowable over Chenal in view of Klingensmith.

Dependent claims 2-12, 14-16, and 18-21 are submitted to contain further recitations that are not anticipated or rendered obvious by Chenal in view of Klingensmith. For example, claim 7 further recites “scoring candidate transition points within said search region based on at least one of...a smooth spatial transition between adjacent transition points in a diagnostic image”, and claim 8 further recites “selecting a path through candidate transition points in said search region based on transition smoothness.” As described above, Klingensmith does not describe using a transition smoothness between different analyzed points to identify transition points. Rather, the control points of the border of Klingensmith are extrapolated from a first image into a second image using Cartesian coordinates. The control points are never thereafter adjusted. The border curvature or smoothness is only later used to ensure that the border does not include any sharp transitions. Additionally, claims 2-12 depend from independent claim 1, claims 14-16 depend from independent claim 13 and claims 18-21 depend from independent claim 17. Because independent claims 1, 13, and 17 each recite allowable subject matter, dependent claims 2-12, 14-16, and 18-21 also recite allowable subject matter.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'C. Livingston', written over a horizontal line.

Charles H. Livingston, Reg. No. 53,933
THE SMALL PATENT LAW GROUP LLP
611 Olive, Suite 1611
St. Louis, MO 63101
(314) 584-4089
(314) 584-4061 (Fax)